

FILED

MAY 21 2019

Clerk, U S District Court
District Of Montana
Billings

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA, Plaintiff, vs. SCOTT ALLEN WORTMAN, Defendant.	CR 18-47-BLG-SPW PRELIMINARY ORDER OF FORFEITURE
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WHEREAS, in the superseding indictment in the above case, the United States of America sought forfeiture of any property of the above-captioned person, pursuant to 21 U.S.C. § 853, as property used or intended to be used to facilitate the violations alleged in the superseding indictment, or as proceeds of said violations;

AND WHEREAS, on May 13, 2019, the defendant entered a plea of guilty to count I of the superseding indictment charging conspiracy to possess with the intent to distribute and to distribute heroin, and to counts II and III of the superseding indictment charging possession with intent to distribute heroin and methamphetamine;

AND WHEREAS, on May 14, 2019, a jury found the defendant guilty of the crime charged in count IV of the superseding indictment charging possession of a firearm in furtherance of a drug trafficking crime;

AND WHEREAS, the forfeiture allegation stated that as a result of the offenses charged in the superseding indictment, the defendant shall forfeit:

- \$5,632 in United States currency; and
- firearms.

AND WHEREAS, by virtue of said guilty pleas and guilty verdict, the United States is now entitled to possession of the property, pursuant to 21 U.S.C. § 841(a)(1), 21 U.S.C. § 853, and Rule 32.2(b)(2), Federal Rules of Criminal Procedure.

ACCORDINGLY, IT IS ORDERED:

1. That based upon the plea of guilty by the defendant to counts I, II and III, contained in the superseding indictment, and the plea of true to the forfeiture allegation, and the guilty verdict returned by a jury to count IV contained in the superseding indictment, the United States is authorized and ordered to seize the following property. This property is forfeited to the United States for disposition in accordance with the law, subject to the provisions of to 21 U.S.C. § 853(n)(1):

- \$5,632 in United States currency;
- a Ruger model SR45, .45 caliber semi-automatic pistol (serial number 380-06256);
- a Taurus model PT-140, .40 caliber semi-automatic pistol (serial number SJZ08207); and
- a Ruger model LC380, .38 caliber semi-automatic pistol (serial number 323-35327).

2. That the aforementioned forfeited property is to be held by the United States in its secure custody and control.

3. That, pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish at least once for three successive weeks in a suitable means of general circulation notice of this order, notice of the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the above-

listed forfeited property must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practical, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the preliminary order of forfeiture, as a substitute for published notice as to those persons so notified.

4. That upon adjudication of all third-party interests, this Court will enter a final order of forfeiture, pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 21st day of May, 2019.



SUSAN P. WATTERS
United States District Judge